



MINUTES

**CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)
REGULAR MEETING
11:00 a.m., Thursday, October 18, 2012
Police and Fire Department Headquarters—Operations Room
8401 E. Indian School Road
Scottsdale, Arizona 85251**

PRESENT: Jack Cross, Chairman/Mayoral Designee
Jeffrey Burg, Citizen Member
James Butera, Elected Member
Velicia McMillan Humes, Citizen Member/Merit Head
Jeffrey Walther, Elected Member

STAFF: Colleen Barraza
Ken Nemec
Chanda Washington

OTHERS: Mike Anthony, Esq.
Hannah Auckland, Esq.
Police Officer Robert H. Tufts

Call to order:

Chairman Cross called the meeting to order at 11:01 a.m. and acknowledged that all Board members were present.

Roll call:

A formal roll call confirmed the members present as stated above.

Possible Executive Session:

Executive Session may occur at any time during this meeting.

1. Review and approval of meeting minutes—September 20, 2012

BOARD MEMBER BUTERA MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE SEPTEMBER 20, 2012 PSPRS POLICE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

2. Induction of new Scottsdale police officers into PSPRS

Chairman Cross confirmed that there were no new Scottsdale police officers to induct into the PSPRS at this time.

3. Discussion and vote on the DROP (Deferred Retirement Option Plan) termination and normal retirement application of Police Officer Reginald B. Johnson

Ms. Washington reported that Police Officer Reginald B. Johnson entered the DROP with 20.057 years of service and would be retiring from the DROP on October 31, 2012. She stated that all of the Applicant's paperwork is in order and the pension check associated with this retirement application is \$3,446.98.

BOARD MEMBER WALTHER MOVED TO ACCEPT THE DROP TERMINATION REQUEST OF POLICE OFFICER REGINALD B. JOHNSON AND TO APPROVE HIS NORMAL RETIREMENT APPLICATION, EFFECTIVE OCTOBER 31, 2012 SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION ASSOCIATED WITH THIS APPLICATION IS \$3,446.98 TO BEGIN ON OR ABOUT NOVEMBER 30, 2012. BOARD MEMBER BUTERA SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

Chairman Cross expressed the Board's appreciation of Police Officer Johnson's 21 years of service to the City of Scottsdale and its citizens. Board Member Butera noted that he also had 20 years of service in the United States Air Force.

4. Discussion and vote on the Accidental Disability Retirement application of Police Officer Robert H. Tufts

Chairman Cross invited Police Officer Robert H. Tufts to participate in today's discussion of his accidental disability retirement application.

Mr. Anthony noted for the record that the Applicant had not signed a waiver of confidentiality and the Board was therefore restricted from discussing any confidential information during open session.

Police Officer Tufts stated that he was open to any questions by the Board. Chairman Cross remarked that the Applicant was very thorough in the information he provided to the Board.

BOARD MEMBER BURG MOVED TO APPROVE THE ISSUANCE OF AN INDEPENDENT MEDICAL EXAMINATION THROUGH ONE OF THE BOARD'S CONTRACTED MEDICAL PROVIDERS FOR THE APPOINTMENT OF A MEDICAL

SPECIALIST TO SERVE AS THE MEDICAL BOARD FOR THE APPLICATION OF POLICE OFFICER ROBERT H. TUFTS. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

Chairman Cross explained that staff would be in touch with the Applicant once an IME physician was selected.

Police Officer Tufts stated that he never expected to be in this position, noting that he fully intended to continue serving the City of Scottsdale after his surgery.

5. Discussion and vote on the Accidental Disability Retirement application of Police Officer Wendy B. Hubele

Chairman Cross noted that the Board had not received a waiver of confidentiality from this Applicant and the Board was therefore restricted from discussing any confidential information during open session.

In response to Board Member Walther's inquiry as to whether the Board could discuss the Applicant's previous IME in open session, Mr. Anthony confirmed that the Board must not disclose medication information such as physician's names or the Applicant's condition.

In response to Chairman Cross' inquiry regarding whether it was necessary for the Applicant to attend the executive session, Mr. Anthony stated that it was up to the Applicant if they are available.

Ms. Washington explained that the Applicant provided staff with a written statement in lieu of attending today's meeting because she was going to be out of town.

CLOSED PUBLIC HEARING

Motion to recess into executive session for discussion of the Accidental Disability Retirement application of Police Officer Wendy B. Hubele.

BOARD MEMBER WALTHER MOVED TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS THE ACCIDENTAL DISABILITY RETIREMENT APPLICATION OF POLICE OFFICER WENDY B. HUBELE. BOARD MEMBER BUTERA SECONDED THE MOTION, WHICH CARRIED BY A FIVE (5) TO ZERO (0).

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

BOARD MEMBER WALTHER MOVED TO DISAPPROVE THE ISSUANCE OF AN INDEPENDENT MEDICAL EXAMINATION THROUGH ONE OF THE BOARD'S CONTRACTED MEDICAL PROVIDERS FOR THE APPOINTMENT OF A MEDICAL SPECIALIST TO SERVE AS THE MEDICAL BOARD FOR THE APPLICATION OF POLICE OFFICER WENDY B. HUBELE. BOARD MEMBER BUTERA SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ONE (1). BOARD MEMBER MCMILLAN HUMES DISSENTED AND BOARD MEMBER BURG ABSTAINED.

Mr. Anthony suggested that staff inform the Applicant that she has an option to submit additional medical information that may persuade the Board to send her for a future IME. Chairman Cross directed staff to also inform the Applicant about the time constraints for appealing the Board's decision.

6. Report to the Board on recently completed transfers of prior service credits, if any

Ms. Washington confirmed that there were no prior service credit transfers to report at this time.

Mr. Nemec recalled that primarily during the September 20, 2012 Fire Board meeting, they found that there was an issue in the actuarial present value calculations related to the amount the City of Scottsdale was being credited for prior service credit transfers from other jurisdictions.

He explained that staff submitted a list of approximately ten firefighters and police officers with prior service credit transfers to Public Safety and requested that they go back into their records and supply them with calculations for credit transfers from other cities for these PSPRS members.

Mr. Nemec recalled that Public Safety informed staff that they would have those calculations completed within two to three weeks.

Chairman Cross elaborated that the Fire Board noticed that the City was only receiving half of the normal amount of transferred funds for one of the prior service credit transfers in order to properly fund the PSPRS member's pension.

Board Member Butera inquired whether there were any legal difficulties in a situation where a police officer was offered the option to resign within 30 days of unpaid leave time prior to termination in order to purchase prior service credits.

Ms. Washington recalled that during her previous discussion with Lisa Angellini she found that even if the police officer was receiving paid leave time he would still have to complete the whole process while he was an employee.

She elaborated that he must have a form completed by his previous employer in order for Public Safety to complete their calculations prior to his purchasing prior service credits within the 30-day time frame.

Chairman Cross opined that the State would be making the ultimate decision regarding whether the employee would be able to buy the time before resigning, noting that the State Board would also send the Police Local Board a letter confirming that he has purchased the transferred service credits.

Mr. Anthony explained that he would have to study the statute before providing an answer to the Board. He recalled that an existing case where an employee who applied for disability pension benefits after being fired wherein the Local Board denied his application and the court rejected the case, stating that the employee had the right to apply for benefits if one of the reasons for termination was related to their disability.

Mr. Anthony stated that if there was a statutory right to purchase prior service credits, then the Fund Manager may not be able to reject the request if they are unable to complete the transfer within the 30-day time frame.

The Board directed staff and legal counsel to delay their research until the case comes before them for further discussion.

7. Board suggestions for upcoming agenda items

Chairman Cross confirmed that there were no Board suggestions for upcoming agenda items at this time.

ADJOURNMENT:

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:31 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Police Local Board Secretary

Jack Cross
PSPRS Chairman/Mayoral Designee